

# State of California

## Office of Administrative Law

In re:  
Secretary of State

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 19060, 19061.1, 19062,  
19063, 19064, 19065,  
19066, 19067, 19068,  
19069, 19070, 19071,  
19072, 19073, 19074,  
19075, 19076, 19077,  
19078, 19079, 19080,  
19081, 19082, 19083,  
19084, 19085, 19086,  
19087, 19088,  
19089, 19090, 19091, 19092, 19093, 19094,  
19095, 19096, 19097,  
19098

Amend sections:

Repeal sections: 20108, 20108.1, 20108.12,  
20108.15, 20108.18,  
20108.20, 20108.25,  
20108.30, 20108.35,  
20108.36, 20108.37,  
20108.38, 20108.40,  
20108.45, 20108.50,  
20108.51, 20108.55,  
20108.60, 20108.65,  
20108.70, 20108.71,  
20108.75, 20108.80

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2020-0415-03

OAL Matter Type: Regular (S)

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In this action, the Secretary of State (SOS) proposes to repeal outdated regulations and adopt new regulations concerning: the processing of voter registration and other voter records, voting security, voter record confidentiality, and other activities necessary to conducting elections. The proposed regulations also establish requirements for SOS certification of election management system vendors.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 8/27/2020.

Date: August 27, 2020

Richard L. Smith for

Dale P. Mentink  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Alex Padilla, Secretary of State  
Copy: Raj Bathla

## NOTICE PUBLICATION/REGULATION

**REGULAR**Instructions on  
(reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2020-0415-03S</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

AUG 27 2020

1:32 pm

AGENCY WITH RULEMAKING AUTHORITY  
Secretary of StateAGENCY FILE NUMBER (if any)  
n/a**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>2020, 06-2</b>	PUBLICATION DATE <b>2/7/2020</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) <b>Statewide Voter Registration System</b>		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT <b>10060 through 19098 See attached per agency request</b>	
TITLE(S) <b>2</b>		REPEAL <b>20108 through 20108.80 See attached per agency request</b>	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Other (Specify)			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §43 and Gov. Code §11347.1) <b>February 7, 2020 through March 24, 2020 6/29/20 to 7/14/20 and 7/17/20 to 8/3/20 per agency request</b>			
5. EFFECTIVE DATE OF CHANGES (Gov. Code §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON <b>Raj Bathla</b>		TELEPHONE NUMBER <b>(916) 695-1597</b>	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) <b>rbathla@sos.ca.gov</b>

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

per agency  
request

4/15/2020

Susan Lapsley, Deputy Secretary of State

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

AUG 27 2020

Office of Administrative Law

**Form Std. 400 (Notice Publication / Regulations Submission)**

**Re:      Regulatory Action Number 2020-0415-035**  
**Secretary of State: Statewide Voter Registration System**

**Addendum**

**Section B.2. – Sections Affected**

**Adopt: Sections 19060, 19061, 19062, 19063, 19064, 19065, 19066, 19067, 19068, 19069, 19070, 19071, 19072, 19073, 19074, 19075, 19076, 19077, 19078, 19079, 19080, 19081, 19082, 19083, 19084, 19085, 19086, 19087, 19088, 19089, 19090, 19091, 19092, 19093, 19094, 19095, 19096, 19097, and 19098**

**Repeal: Sections 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, and 20108.80**



**California Secretary of State  
Proposed Regulatory Action: Statewide Voter Registration System  
Final Regulation Text**

**ALL SECTIONS ARE BEING ADOPTED.**

California Code of Regulations  
Title 2. Administration  
Division 7. Secretary of State

**Chapter 1. Voter Registration**

**Article 2.5. Statewide Voter Registration System.**

**19060. Purpose**

- (a) The purpose of this Chapter is to establish standards and procedures for processing, transmitting, and maintaining voter registration records in a manner that conforms with the statewide voter registration system requirements set forth in the Help America Vote Act of 2002 (HAVA) (52 U.S.C. Sections 20901, *et seq.*), the National Voter Registration Act of 1993 (NVRA) (52 U.S.C. Sections 20500, *et seq.*), and state law.
- (b) This Chapter applies to the Secretary of State and all county elections officials within the State of California with respect to processing, transmitting, and maintaining voter registration records.
- (c) The Secretary of State shall maintain the official statewide voter registration system. County elections officials shall synchronize voter registration records in the county election management system with the statewide voter registration system and use the official statewide voter registration system to determine eligibility to vote.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

**19061. Immediate Action Required**

Unless otherwise provided in state or federal statute, state or federal regulation, or a binding court decision, if a county elections official receives notification from a voter, the Secretary of State, another county, or a court requesting or directing a modification to a voter's registration record, the county elections official shall immediately take all reasonable actions to apply the modification or research and resolve the notification, including but not limited to, reviewing registration and voting history, reviewing source documents, matching signatures, or contacting the voter directly. The notification shall be resolved no later than five (5) business days from receipt by the county elections official. The modification shall not be effective until the county elections official has submitted the update to the statewide voter registration system.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

## 19062. Definitions

As used in this Article, the following terms have the following definitions:

- (a) "Active voter" means any registered voter legally entitled to vote pursuant to Elections Code sections 2000 and 2101 and who is not currently deemed an "inactive voter" or a "cancelled voter" as defined in this section.
- (b) "Adjudication" means to make a decision as to the correctness of a ballot and accept or deny the ballot.
- (c) "Business day" means each day in which the county elections official, as defined below, is open for business pursuant to Civil Code section 9.
- (d) "Cancelled voter" means an individual whose voter registration has been cancelled pursuant to Elections Code section 2201 or 2226.
- (e) "Confidential voter" means a voter who has been granted confidential voter status pursuant to Elections Code section 2166, 2166.5, or 2166.7.
- (f) "County elections official" means a county clerk, registrar of voters, elections supervisor having jurisdiction over elections within the county, or any person who is charged with the duty of conducting an election.
- (g) "Data Standards" mean the VoteCal Data Standards (revised January 27, 2020; incorporated by reference).
- (h) "Deficient registration record" means a record that does not contain the required substantive registration information necessary to determine eligibility to vote as set forth in Elections Code sections 2150 and 2154. A deficient registration record is the same as an incomplete affidavit.
- (i) "Election information system" means the set of software and hardware components used to process, store, and transmit voter registration data. The county election management system is one such component of this system.
- (j) "Election management system" or "EMS" shall have the meaning set forth in Elections Code section 2500.
- (k) "External state organization" shall include the following:
  - (1) California Department of Motor Vehicles (DMV)
  - (2) California Department of Public Health (CDPH)
  - (3) California Department of Corrections and Rehabilitation (CDCR); and
  - (4) California Employment Development Department (EDD)
- (l) "Federal election" shall have the meaning set forth in Elections Code section 323.
- (m) "High confidence match" means the statewide voter registration system identifies two voter records that are highly likely to belong to the same voter based on matching criteria including but not limited to: first and last name, date of birth, address, California driver license or state identification, and the last four (4) digits of the social security number.
- (n) "Immediately" means as soon as practicable, but no later than five (5) business days after receipt of a notification or request as provided in Section 19061.
- (o) "Inactive voter" means a voter whose status has been changed to "inactive" in accordance with Elections Code sections 2220 through 2226. An inactive voter is legally entitled to vote pursuant to Elections Code sections 2000 and 2101. The status of an inactive voter can be referred to as being on an "inactive list," or as being placed in an "inactive file."
- (p) "Integration Specifications" mean the Secretary of State VoteCal System EMS Integration and Data Exchange Specifications Document (revised June 29, 2016; incorporated by reference).

- (q) "In near real time" means near the actual time during which the event occurs.
- (r) "List maintenance notice" mean any notice sent to a registered voter for the purpose of verifying registration information about the voter and to determine the voter's ongoing eligibility to vote.
- (s) "Official list extract" means the list of active and inactive voters extracted from the statewide voter registration system that county elections officials request and receive as part of preparing rosters for an upcoming election.
- (t) "Pending" means an individual who has submitted an affidavit of registration that is properly executed, which individual has either not turned age 18 and whose status is "pending underage," or whom the county elections official has not yet assigned to a precinct and whose status is "pending precinct."
- (u) "Potential match" means the statewide voter registration system identifies two or more voter records that may belong to the same voter based on matching criteria including but not limited to: first and last name, date of birth, address, California driver license or state identification, and the last four (4) digits of the social security number.
- (v) "Pre-registered voter" means an individual who is at least 16 years of age, meets all voter eligibility requirements, and has submitted an affidavit of registration that contains all substantive information as defined in subdivision (bb) of this section.
- (w) "Registrant" means a person who has submitted an affidavit of voter registration.
- (x) "Registration record" means electronically stored data and images, such as paper affidavit images or voter participation history, associated with a registered or pre-registered voter.
- (y) "Report of Registration" means the statewide list as referenced in Section 2187 of the Elections Code.
- (z) "Satisfactory proof of identity" means the forms of proof of residency and identity as defined in Section 20107.
- (aa) "Statewide voter registration system" means the official statewide voter registration system that serves as the single, uniform, standard, and centralized interactive voter registration system for the voters of California, administered and maintained by the Secretary of State. The statewide voter registration system integrates with the EMS maintained by a jurisdiction, such as a county elections office, to send, receive, and maintain voter registration and election information for jurisdictions within the State of California.
- (bb) "Substantive information" means the facts contained on an affidavit of registration necessary to determine eligibility to vote pursuant to Elections Code section 2150.
- (cc) "Verified California driver license or state identification number" or "CA DL/ID" means a registrant's California driver license or state identification number that has been verified against DMV records.
- (dd) "Verified social security number" means the last four (4) digits of a registrant's social security number issued by the Social Security Administration that has been verified by the Social Security Administration database through the DMV.
- (ee) "Voter participation history" or "VPH" means the electronic voter record submitted by county elections officials to the statewide voter registration system to indicate the voter's method of participation as one of the following:
- (1) Voting at a polling place prior to Election Day (early).
  - (2) Vote-by-mail.
  - (3) Voting at a polling place other than a vote center on Election Day, except by conditional voter registration (polling place).



- (4)Vote center.
- (5)Conditional voter registration (CVR).

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Section 323, 2000, 2101, 2150, 2154, 2166, 2166.5, 2166.7, 2187, 2201, 2220, 2221, 2222, 2223, 2224, 2225, 2226, and 2500, Elections Code; 52 U.S.C. Section 21083.*

### **19063. Communication between the Statewide Voter Registration System and the County**

The statewide voter registration system shall communicate with the county EMS through electronic messages. For messages that require a county elections official's response and/or action, the county elections official shall comply with Section 19061.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

### **19064. County Security**

- (a) Each county shall protect the confidentiality, integrity, and availability of the data and the election information system authorized to process, store, and transmit voter registration data. This system shall utilize system hardening and resilient architecture by means of redundancy, high availability, or other fault-tolerant methodologies.
- (b) Each county shall provide annual privacy and security awareness training to all staff and contractors, if any, utilizing its county voter registration and election information system in accordance with State Administrative Manual sections 5320 – 5320.2 and the Information Practices Act of 1977 (Civil Code section 1798, *et seq.*).
- (c) Each county shall complete a security assessment of its election information system prior to a statewide primary election. The security assessment shall evaluate the:
  - (1)Active management (inventory, tracking, and correction) of all hardware devices on the network so that only authorized devices are given access, and unauthorized and unmanaged devices are found and prevented from gaining access.
  - (2)Active management (inventory, tracking, and correction) of all software on the network so that only authorized software is installed and can execute, and unauthorized and unmanaged software is found and prevented from installation or execution.
  - (3)Establishment, implementation, and active management (tracking, reporting, and correction) of the security configuration of laptops, servers, and workstations in order to prevent attackers from exploiting vulnerable services and settings.
  - (4)Continuous acquisition, assessment, and action on new threats in order to identify vulnerabilities, and to remediate and minimize opportunity for attacks.
  - (5)Tracking, control, prevention, and correction of the use, assignment, and configuration of administrative privileges on computers, networks, and applications.
  - (6)Collection, active management, and analysis of audit logs of events that could help detect, understand, or recover from an attack.
  - (7)Minimization of opportunities for attackers to manipulate human behavior through their interaction with web browsers and e-mail systems.

- (8) Control of the installation, spread, and execution of malicious code at multiple points in the election information system, while optimizing the use of automation to enable rapid updating of defense, data gathering, and corrective action.
  - (9) Active management (tracking, control, and correction) of the ongoing operational use of ports, protocols, and services on networked devices in order to minimize vulnerabilities available for attack.
  - (10) Proper backup of critical data to allow for timely recovery. Backups shall be made at least every 24 hours. Backups for counties with more than 50,000 registered voters as of the last Report of Registration are recommended more frequently. Each county shall review critical data backup and recovery procedures to ensure the backups are not stored on the same servers hosting the county voter registration and election information system, and that restoration procedures are detailed and complete.
  - (11) Establishment, implementation, and active management (tracking, reporting, and correction) of the security configuration of network infrastructure devices in order to prevent attacks exploiting vulnerable services and settings.
  - (12) Detection, prevention, and correction of the flow of information transferring between networks of different trust levels with a focus on security-damaging data.
  - (13) Prevention of data exfiltration, mitigating the effects of exfiltrated data, and ensuring the privacy and integrity of sensitive information.
  - (14) Tracking, controlling, preventing, correcting, and securing access to critical assets (e.g., information, resources, systems) according to the formal determination of which persons, computers, and applications have a need and right to access these critical assets.
  - (15) Tracking, controlling, preventing, and correcting the security use of wireless local area networks, access points, and wireless client systems.
  - (16) Active management of the life-cycle of system and application accounts – their creation, use, dormancy, deletion – in order to minimize opportunities for attackers to leverage them.
  - (17) Identification of the specific knowledge, skills, and abilities needed to support defense of the election information system; development and execution of an integrated plan to assess, identify and remediate gaps, through policy, organizational planning, training, and awareness programs for all functional roles in the organization.
  - (18) Active management of the security life-cycle of all in-house developed and acquired software in order to prevent, detect, and correct security weaknesses.
  - (19) Protection of the organization's information, by developing and implementing an incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight).
  - (20) Testing of the overall strength of an organization's defenses (technology, processes, and people) by simulating the objectives and actions of an attacker.
- (d) Each county and its EMS vendor shall take the following security measures to provide security for the county's EMS and election information system, as well as for environments that interface with the statewide voter registration system and/or contain statewide voter registration system data:
- (1) At all times servers hosting county voter registration and election information systems including the county's EMS as well as any Secretary of State property, such as routers, shall be secured in a designated area away from public access. The designated area shall



be secured with a method to determine the identity of each person that has accessed the designated area and unauthorized access to this designated area must be detectable.

(2) Only staff authorized by the county shall have physical access to servers hosting the county's EMS and election information system, including servers containing the county's EMS as well as any Secretary of State property, such as routers.

(3) The county's EMS and election information system shall only be accessible by persons authorized by the county.

(4) No peripheral devices (e.g., disks, flash drives, smartphones, etc.) shall be attached to Secretary of State property, such as routers, installed at the county.

(5) Secretary of State property, such as routers, installed at the county shall be exclusively for interaction with the Secretary of State, and shall not to be used for other county purposes.

(6) The servers hosting the county EMS and election information system shall be running an operating system under mainstream support with critical and high security patches and updates applied at least monthly. All servers shall otherwise be hardened to industry best practices and government standards.

(7) The county's EMS and election information system shall be installed and operated on a service account separate from any other services.

(8) The county's EMS and election information system shall have anti-malware software installed and configured, and updates regularly applied.

(9) Counties shall encrypt all voter registration and election information system data whenever stored in non-volatile memory and whenever in transit between system components or through facilities not contracted directly to the county or the Secretary of State.

(10) All backup copies of county voter registration and election information system data, including images, shall be encrypted. Counties shall avoid the use of removable, portable media such as tape cartridges or DVD-ROM for data backup unless approved in writing by the Secretary of State based on the unique circumstances of the county, such as its information technology resources.

(11) Data encryption shall be compliant with National Institute of Standards and Technology Special Publication 800-175B, Guideline for Using Cryptographic Standards in the Federal Government, with preferred utilization of Advanced Encryption Standard (published August, 2016; incorporated by reference). However, effective July 1, 2021, the county and its EMS vendor shall use Federal Information Processing Standards Publication 140-2 (FIPS 140-2) for data encryption for the county's EMS and election information system, as well as for environments that interface with the statewide voter registration system and/or contain statewide voter registration system data (Published May 25, 2001; incorporated by reference).

(12) Direct user access to the county's EMS and election information system shall require, at a minimum, single sign-on authentication. However, effective July 1, 2021, direct user access to the county's EMS and election information system shall require, at a minimum, two (2) sign-on authentications.

(e) The county's EMS and election information system shall implement security log management, which includes the following:

(1) Log all systems and network devices with sufficient information collection.



- (2) Securely store log files separately from the systems monitored, keep these files archived, and protect these files from unauthorized modification, access, or destruction.
- (3) Use log monitoring tools to send real-time alerts and notifications.
- (4) Utilize multiple synchronized United States-based time sources.
- (f) Counties shall regularly review log(s) for any errors, abnormal activities, and any system configuration changes.
- (g) Counties shall report detected unauthorized use, suspected breach, or denial of service attack on the county's EMS and election information system to the Secretary of State Elections Division Help Desk within 24 hours of discovery.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19065. Data Restoration after a Recovery Event**

If a county experiences an event necessitating voter registration data recovery, the county shall:

- (a) Notify the Secretary of State Elections Division Help Desk and the county EMS vendor within 24 hours of discovery.
- (b) Coordinate restoration with the Secretary of State Elections Division Help Desk and the county EMS vendor.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19066. EMS Certification**

- (a) Any portion of the EMS used by county elections officials that is integrated with the statewide voter registration system shall be certified by the Secretary of State and shall adhere to all applicable federal and state laws.
- (b) In order for an EMS to be certified by the Secretary of State, the EMS vendor shall:
  - (1) Submit an application on the California Application for Certification of an Election Management System (revised May 20, 2020; incorporated by reference).
  - (2) Develop a plan and schedule, in collaboration with the Secretary of State, outlining the strategy to manage the EMS remediation and/or development (software development lifecycle).
  - (3) Develop an EMS system, including system and security documentation that complies with the statewide voter registration system Integration Specifications, approved change requests, and the Data Standards.
  - (4) Successfully complete all user acceptance testing (UAT) of their system with the Secretary of State and one of each certified EMS's contracted counties. UAT testing includes resolving all statewide voter registration system interface related defects identified through testing. If all defects cannot be resolved, then the EMS must identify and implement a mitigated workaround, which must be agreed to in writing by all parties, until the resolution of defects can be completed.
  - (5) Successfully support system synchronization checks initiated by county elections officials and/or the Secretary of State and resolve differences, if any.

- (6) Enter into a contract with the Secretary of State for ongoing maintenance, operation, and system changes.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19067. Certified EMS**

- (a) The certified EMS vendor shall certify in writing to the Secretary of State, annually by February 1, compliance with the requirements set forth in this section, for the previous year. The EMS certification shall be in substantially the following form:

I/we hereby certify for the period commencing January 1, 20\_\_ and ending December 31, 20\_\_, that [Company] have/has done the following:

- i. Adhered to the Integration Specifications;
- ii. Adhered to the Data Standards;
- iii. Implemented all applicable approved change requests;
- iv. Complied with all applicable federal and state laws; and
- v. Deposited the current version of the EMS source code with an approved escrow facility in accordance with Section 2501 of the Elections Code and Chapter 6 of Division 7 of Title 2 of the California Code of Regulations.

- (b) The certified EMS vendor shall support county synchronization checks initiated by the county and/or the Secretary of State, at a minimum, monthly and no more than 30 days prior to:

- (1) A Report of Registration.
- (2) An Official list extract for an election.
- (3) Voter Information Guide processing.

- (c) The certified EMS vendor shall work with county elections officials to resolve data discrepancies identified until acceptable tolerance levels for synchronization, as set forth in Section 19083, are attained by the county.

- (d) Defects or bugs with the certified EMS that affect the statewide voter registration system or any other certified EMS currently in use shall be logged immediately with the Secretary of State Elections Division Help Desk. Once reported to the Secretary of State Elections Division Help Desk, the defect or bug shall be categorized by the Secretary of State and resolved as follows:

(1) Critical

- (A) A critical defect or bug:

- (i) prevents the accomplishment of an essential function; or
- (ii) jeopardizes safety, security, or causes unrecoverable data loss.

(B) For critical defects or bugs, the EMS vendor must conduct analysis and provide next steps, or provide a resolution, within one (1) business day following notification of the problem. A solution or workaround must be provided within two (2) business days of notification when possible, or by a mutually-agreed-upon date between the EMS vendor and Secretary of State.

(2) High

- (A) A high defect or bug:

- (i) adversely affects the accomplishment of an essential function and there is no known workaround solution;
  - (ii) causes recoverable data loss but with high impact to users; or
  - (iii) impacts the reliability of public-facing functionality or data.
- (B) For high defects or bugs, the EMS vendor must conduct analysis and provide next steps, or provide a resolution, within three (3) business days following notification of the problem. A solution or workaround must be provided by a mutually-agreed-upon date between the EMS vendor and Secretary of State.
- (3) Medium
  - (A) A medium defect or bug:
    - (i) affects the accomplishment of an essential function(s) and a workaround solution is known; or
    - (ii) causes recoverable data loss.
  - (B) For medium defects or bugs, the EMS vendor must conduct analysis and provide next steps, or provide a resolution within 10 business days following notification of the problem. A solution or workaround must be provided by a mutually agreed upon date between the EMS vendor and Secretary of State.
- (4) Low
  - (A) A low defect or bug:
    - (i) results in user/operator inconvenience, but does not affect a required operation or mission essential function; or
    - (ii) results in a cosmetic or documentation issue to non-public facing functionality.
  - (B) For low defects or bugs, the EMS vendor must conduct analysis and provide next steps, or provide a resolution within 10 business days following notification of the problem. A solution or workaround must be provided by a mutually agreed upon date between the EMS vendor and Secretary of State.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083; Section 2501, Elections Code.*

## **19068. EMS Changes**

- (a) Changes to a certified EMS that will impact the statewide voter registration system or any other certified EMS currently in use shall not occur during the 60 days prior to a statewide election without written approval from the Secretary of State and when necessary to conduct the election. For any change occurring during the 60 days prior to a statewide election to address a critical defect or bug, the certified EMS vendor shall follow the timelines specified in subdivision (d)(1) of Section 19067 and implement the change upon receipt of written approval from the Secretary of State.
- (b) The certified EMS vendor shall conduct EMS system integration testing with the Secretary of State prior to making any EMS changes that potentially impact the ability of a certified EMS to be compliant with the Data Standards, Integration Specifications, or specifications regarding functioning of the statewide voter registration system.
- (c) The certified EMS vendor shall do all of the following:



(1) Work with the Secretary of State and their counties on the resolution of defects, changes to the certified EMS that impact the statewide voter registration system, and correction of data discrepancies and prioritize defects and data discrepancies as to urgency and assign dates for resolution;

(2) Coordinate any release with the Secretary of State such that the release coincides with the statewide voter registration system release, if any; and

(3) Work with the Secretary of State and the counties to perform UAT for the statewide voter registration system and certified EMS changes prior to any certified EMS release or patch.

(d) The certified EMS vendor shall participate in ongoing verification of compliance with the Data Standards when changes are made to the certified EMS system where such changes may affect the statewide voter registration system or its data or any other certified EMS system currently in use.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19069. EMS Certification Revocation**

The Secretary of State shall review each certified EMS periodically to determine whether or not it is following the requirements set forth in Sections 19067 and 19068. Failure to comply with those sections or other provisions of relevant state or federal law may result in the revocation of EMS certification. The Secretary of State may pursue EMS certification revocation when necessary for the continued functioning of the statewide voter registration system, including any system changes needed or desired by the Secretary of State or county elections officials, consistent with evolving state and federal election laws. Prior to revoking the certification, the Secretary of State shall provide written notice to the affected counties and the certified EMS vendor. Revocation within six months of any statewide election will not take effect until the 61<sup>st</sup> day following that election.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19070. County Change in EMS Vendor**

If a county chooses to change EMS vendors and contract with a different certified EMS vendor, the county shall:

(a) Notify the Secretary of State Elections Division Help Desk in writing as soon as practicable prior to commencing services with the different certified EMS vendor; and

(b) Coordinate with the Secretary of State Elections Division Help Desk and the different certified EMS vendor during the transition to ensure system and data integrity.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19071. Required Registration Information**

- (a) Any affidavit of registration submitted shall contain the required substantive registration information necessary to determine eligibility to vote, pursuant to Sections 2150 and 2154 of the Elections Code.
- (b) Any affidavit of registration submitted missing required substantive information shall be processed according to Section 19072.
- (c) The county elections official shall attempt to collect missing substantive information pursuant to Section 2153 of the Elections Code.
- (d) If missing required substantive information is not received by the county elections official within 180 days of receipt of the registration, the affidavit of registration shall be rejected.
- (e) The county elections official shall notify each voter registration applicant of the disposition of their affidavit of registration, in accordance with Sections 2153 and 2155 of the Elections Code.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code; 52 U.S.C. section 20507(a)(2). Reference: Sections 2150, 2153, 2155, Elections Code; 52 U.S.C. Section 21083.*

#### **19072. Deficient Registration Records**

- (a) Any paper affidavit of registration, excluding a print-out of an electronic affidavit of registration, that is missing required substantive registration information specified in Sections 2150 and 2154 of the Elections Code, shall be processed as follows:
  - (1) The information from the deficient paper affidavit of registration may be held in a separate location in the county EMS from the list of current voters. A deficient registration record that would update an existing voter record shall not update the existing voter record until the county receives all required registration information.
  - (2) Once all required registration information is received, the county elections official shall enter the affidavit of registration information into their EMS and apply an effective date as specified in Section 19076.
- (b) Any affidavit of registration received electronically through online voter registration that is missing required registration information specified in Sections 2150 and 2154 of the Elections Code shall be processed as follows:
  - (1) The affidavit of registration shall be held in a separate location in the county EMS from the list of current voters. A deficient registration record that would update an existing voter record shall not update the existing voter record until the county receives all required registration information.
  - (2) Once all required registration information is received, the county elections official shall enter the affidavit of registration information into their EMS and apply an effective date as specified in Section 19076.
- (c) Any registration record submitted to the statewide voter registration system that lacks information specified in Section 2150 of the Elections Code, and to which no presumption pursuant to Section 2154 of the Elections Code applies, shall result in a deficiency notice. The county elections official receiving such notice shall process the affidavit of registration or registration record as follows:
  - (1) Within five (5) business days of receipt of a deficiency notice from the statewide voter registration database, the county elections official shall attempt to contact the voter and collect



the missing information and submit that missing information, once received, to the statewide voter registration system.

(2) If the county elections official is unable to obtain information from the voter to complete the missing information within 180 days of receipt of the registration, the deficient affidavit of registration shall be rejected.

(3) An active voter who has submitted a new affidavit of registration that is identified as deficient pursuant to this subdivision shall not have their status changed to pending or inactive and shall remain as an active voter and be permitted to vote a nonprovisional ballot.

(d) If a deficient affidavit of registration or a deficient registration record is received by the county elections official on or before the 15th day before the election and the election official receives the missing information after the 15th day before the election, the registrant shall have until the two days prior to the election official certifying the results of the election to resolve all deficiencies to be considered a registered voter for that election.

(e) An individual who is not registered to vote pursuant to this subdivision shall be allowed to vote a provisional ballot in accordance with Section 14310 of the Elections Code or to register conditionally and vote in accordance with Section 2170, et seq, of the Elections Code. In the event eligibility is determined, the provisional ballot shall be accepted but, to the extent feasible and when applicable, not processed until all counties have posted polling place voter participation history.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 2150, 2153, 2154, 2170, 2171, 2172, 2173, and 14310, Elections Code; 52 U.S.C. Section 21083.*

### **19073. Verification of Voter Identity**

(a) Pursuant to the Help America Vote Act of 2002, each voter's identity shall be verified.

(b) If an affidavit of registration contains a California driver license or state identification number, the statewide voter registration system shall compare this number with DMV records. A verified California driver license or state identification number shall constitute verification of the voter's identity.

(c) If an affidavit of registration contains only the last four (4) digits of a social security number, and no California driver license or state identification number, the statewide voter registration system shall compare the last four (4) digits of the voter's social security number, the voter's first and last name, and the voter's date of birth with DMV records. A verified social security number shall constitute verification of the voter's identity.

(d) If a California driver license or state identification number or the last four (4) digits of the social security number provided by a registrant on an affidavit of registration cannot be verified by the statewide voter registration system, the registrant may be subject to the identification requirements of Section 19075, unless, for example, the statewide voter registration system or the county EMS is able to verify the registrant's identity.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*



#### **19074. Missing Driver License Number, State Identification Number, and Social Security Number from an Affidavit of Registration**

(a) If an affidavit of registration does not include a California driver license or state identification number, the statewide voter registration system shall determine whether a California driver license or state identification number is available through the DMV. If a California driver license or state identification number has been issued and is available through the DMV, and the DMV identifies only one individual who possesses the last name, first name, and date of birth of the registrant, the statewide voter registration system shall update the voter registration record with the verified California driver license or state identification number.

(b) If at any time the county elections official is able to obtain the valid California driver license number, state identification number, or the last four (4) digits of the social security number for a voter whose registration record does not contain this information, the county elections official shall update the voter record with the missing information.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19075. Additional Identification or Residency Verification to Vote in Federal Elections**

(a) For any affidavit of registration submitted, one of the following conditions shall be satisfied before a voter can vote in a federal election:

- (1) Applicant provided satisfactory proof of identity with the affidavit of registration or otherwise provided satisfactory proof of identity prior to voting in a federal election; or
- (2) California driver license or state identification number or the last four (4) digits of the social security number provided were verified with the DMV; or
- (3) Applicant is registered to vote under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20302, *et seq.*), or is entitled to vote other than in person under the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. Sections 20102(1)(b)(2)(B)(ii)), or any other federal law; or
- (4) Applicant has previously registered to vote in California and the applicant has previously voted in a federal election in California.

(b) If any of the conditions in subdivision (a) of this section are satisfied, the registrant shall be exempt from providing further proof of identity pursuant to 52 U.S.C. Section 20505(c) for the purpose of voting. The county elections official shall enter into the EMS the reason for the exemption from the identification requirement based on subdivision (a)(1-4) of this section.

(c) If none of the conditions in subdivision (a) of this section are satisfied, but the registrant has provided all substantive information to be otherwise eligible to vote, the voter's record shall indicate that proof of identity must be provided the first time the voter votes in a federal election.

(d) All voters, including polling place and vote by mail voters, identified pursuant to subdivision (c) of this section shall be required to provide proof of identity the first time they vote in a federal election pursuant to 52 U.S.C. Section 20505(c) and in accordance with Section 20107 Title 2, Division 7, Chapter 1, Article 7 of the California Code of Regulations.

(e) Once a voter identified pursuant to subdivision (c) of this section has provided proof of identity, the county elections official shall update the county EMS to reflect that the voter is no longer required to provide proof of identity.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Sections 20102, 20505, and 21083.*

#### **19076. Voter Registration Effective Dates**

- (a) Voter registration effective dates shall be entered and updated as set forth in this Section.
- (b) Any paper or online affidavit of registration shall have a registration effective date of the date the affidavit of registration is received by the county elections official or the Secretary of State, unless it is received by mail after the close of registration, but is postmarked prior to the close of registration, then the registration effective date is the date of the close of registration.
  - (1) Within one working day, the Secretary of State shall transmit the affidavit to the county elections official of the registrant's county of residence, as stated on the affidavit.
- (c) Any paper affidavit of registration, excluding a print-out of an electronic affidavit of registration, that is missing:
  - (1) a signature, but is otherwise complete, shall have a registration effective date that is the date the affidavit of registration was initially received by the Secretary of State or the county elections official, even when the signature is obtained at a later date.
  - (2) information specified in Section 2150 of the Elections Code, and to which no presumption pursuant to Section 2154 of the Elections Code applies, shall have a registration effective date of the date the completed information is received by the county elections official, unless the missing information is received after the close of registration but prior to the certification of the election, in which case the registration effective date is listed as the date of the close of registration.
- (d) Any affidavit of registration processed through online voter registration that is missing a signature, but is otherwise complete, shall have a registration effective date that is the timestamp contained in the electronic voter registration application, even when the signature is obtained at a later date.
- (e) Any affidavit of registration submitted to the DMV shall have a registration effective date of the date it was submitted to the DMV; the effective date will depend on the source of the affidavit of registration. In this subdivision (e) and in subdivision (f), "submitted to the DMV" has the following meanings:
  - (1) for a driver license form submitted to a DMV field office (field office), either in paper or electronic form, the date the DMV customer visits the field office and completes the transaction.
  - (2) for a driver license renewal form submitted through the DMV's website, the date the online transaction is completed.
  - (3) for a driver license renewal form submitted on paper and mailed to the DMV headquarters, the date the renewal form is delivered to the Remittance Section at the DMV headquarters.
  - (4) for a change of address form submitted on paper and mailed or delivered to a field office, the date of the date stamp given to the form at the field office.
  - (5) for a change of address form submitted on paper and mailed to the DMV headquarters, the date of the date stamp given to the form in the DMV headquarters' mailroom.



- (6) for a change of address form submitted through the DMV's website, the date the online transaction is completed.
- (f) Any affidavit of registration submitted to the DMV and electronically transmitted to the Secretary of State by the DMV that is missing:
- (1) a signature, but is otherwise complete, shall have a registration effective date that is the timestamp contained in the electronic voter registration application, even when the signature is obtained at a later date.
  - (2) information specified in Section 2263 of the Elections Code shall have a registration effective date of the date the completed information is received by the county elections official, unless the missing information is received after the close of registration but prior to the certification of the election, in which case the registration effective date is listed as the date of the close of registration.
- (g) Any affidavit of registration accepted by a National Voter Registration Act agency (VRA) shall have a registration effective date of the date the VRA accepted it as reflected by a date stamp. However, if the VRA does not date stamp the affidavit of registration and it is a paper affidavit of registration, it shall have a registration effective date of the date the affidavit of registration is received by the county elections official or the Secretary of State.
- (h) Any new resident affidavit of registration, pursuant to Section 3402 of the Elections Code, shall have a registration effective date that is the date of the close of registration.
- (i) Any new citizen affidavit of registration, pursuant to Section 3500 of the Elections Code, shall have a registration effective date that is the date of the close of registration.
- (j) Any affidavit of pre-registration shall have a registration effective date of the date the registrant turns 18 years of age, however, if the registrant will turn 18 years of age within 60 days of an election, the registration effective date of the affidavit shall be no later than the close of registration.
- (k) A residential change of address request, document or record, as set forth below, that updates a voter's record shall have a registration effective date as follows:
- (1) A signed request (i.e., letter, returned list maintenance notice) from a voter to change their address – the date the signed request is received by the county elections official or the Secretary of State, unless it is received by mail after the close of registration, but is postmarked prior to the close of registration, then the registration effective date is the date of the close of registration.
  - (2) A provisional ballot, pursuant to Section 14311 of the Elections Code, if deemed valid – the date the provisional ballot is received by the county elections official.
  - (3) A National Change of Address record – the first day of the month that is embedded in the record.
  - (4) Electronic Address Change Service (ACS) notifications – the first day of the month that is embedded in the record.
  - (5) Manual Address Change Service (ACS) notifications (NIXIE tabs) – the date the notification is received by the county elections official, unless it is received by mail after the close of registration, then the registration effective date is the date of the close of registration.
  - (6) For any returned Residency Confirmation Postcard (RCP), Alternate Residency Confirmation Postcard (ARC), or Consumer Credit Reporting Agency notice with a signed address change request from a voter – the process set forth in paragraph (1) subdivision (k) shall be followed.

(l) Any affidavit of registration or address change with a registration effective date prior to the close of registration, received after the close of registration, shall be processed as if it had been received prior to close of registration. Any provisional ballot shall be adjudicated according to the registration effective date.

(m) A signed request from a voter, delivered to the county elections official pursuant to Section 2119.5 or 2152 of the Elections Code, to change their address within the same county or add or change their political party preference shall have a registration effective date that is the date of the close of registration, unless the request is delivered on Election Day, then the registration effective date is Election Day.

(n) A change in the status of a voter's record from inactive to active as a result of the voter confirming the voter's voter registration record on the internet website of the Secretary of State, pursuant to Section 2226 of the Elections Code, shall have a registration effective date of the date of the voter's confirmation.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 2119.5, 2150, 2152, 2154, 2220, 2226, 2263, 3402, 3500, 14311, Elections Code; 52 U.S.C. Section 21083.*

#### **19077. Matching Criteria**

(a) The statewide voter registration system uses a series of matching criteria, including first and last name, date of birth, address, California driver license or state identification, and the last four (4) digits of the social security number, to find and match voter records and identify them as either a high confidence or a potential match.

(b) For a potential match, the county shall evaluate the records identified as potentially matched and either accept or not accept the potential match within five (5) business days. If the potential match is accepted, the records will be merged into one voter record.

(c) If the high confidence voter records are determined to be a match, the records will be merged into one voter record.

(d) If a county elections official determines a high confidence or potential match was made in error, the county elections official shall take appropriate steps to undo the match and merge of the voter records.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19078. National Change of Address Processing**

(a) The Secretary of State shall conduct monthly voter registration list maintenance using a change of address service or services based on the United States Postal Service National Change of Address (NCOA) database to identify address changes for registered voters.

(b) For records showing a change of address, the statewide voter registration system shall automatically transmit an NCOA Potential Address Change Message to the county elections official in the county from or within which a voter has moved.

(c) Within five (5) business days of receipt of an NCOA Potential Address Change Message from the Secretary of State, the county elections official shall process the NCOA Potential



Address Change Message pursuant to Elections Code sections 2225 and 2226 and submit any change in the registration record to the statewide voter registration system in accordance with Section 19061.

(d) When a resolved NCOA Potential Address Change for a residential address moves a voter into another county, the county elections official of the voter's new county shall process the incoming voter record in accordance with Section 19061.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 2225, and 2226, Elections Code; 52 U.S.C. Section 21083.*

#### **19079. State Death and Felony Status Records**

(a) When a new or updated voter registration record is received by the statewide voter registration system, the Secretary of State shall compare that voter registration record with records of deceased persons from the CDPH and records of persons who are currently in state or federal prison or on parole for the conviction of a felony who are ineligible to vote, from the CDCR.

(b) When the Secretary of State receives new records from the CDPH or from the CDCR, the records shall be compared to the voter registration records in the statewide voter registration system.

(c) Upon identifying a potential match, the Secretary of State shall transmit notice of the potential match to the county elections official in the county in which the potential match is identified.

(d) Upon receipt of a notice of potential match, the county elections official shall determine whether the registration record matches a record of a deceased person or person who is currently in state or federal prison or on parole for the conviction of a felony which renders that person ineligible to vote in accordance with Section 19061. If a match is confirmed by the county elections official, the county elections official shall accept the potential match and that voter's record shall be cancelled.

(e) When the Secretary of State receives a record of a voter with a federal felony conviction which renders them ineligible to vote, the record shall be forwarded to the county elections official of the voter's county of residence. The county elections official shall process the record in accordance with Section 19061.

(f) County elections officials shall process county death records in accordance with Elections Code section 2205, and upon identifying a match with a voter's record shall submit any change in the registration record to the statewide voter registration system in accordance with Section 19061.

(g) County elections officials shall process county felony records in accordance with Elections Code section 2212, and upon identifying a match with a voter's record shall submit any change in the registration record to the statewide voter registration system in accordance with Section 19061.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10, 2168, Elections Code. Reference: 52 U.S.C. Section 21083; Sections 2205 and 2212 Elections Code.*

#### **19080. DMV Change of Address Notification**

When DMV Change of Address (DMV COA) records are received by the statewide voter registration system, each DMV COA record is compared to the voter registration records in the statewide voter registration system. If a match is found between the DMV COA record and a voter record, the statewide voter registration system will send notice of a potential DMV COA match to the county. The county elections official shall, in accordance with Section 19061, resolve any potential matches by doing the following:

- (a) If a county elections official determines that a DMV COA potential match is valid, the county elections official shall accept the potential match and update the voter's address.
- (b) If a county elections official determines that a DMV COA potential match is valid but the voter's new address is not within the county, the county elections official shall redirect the message to the correct county. The correct county shall act on this redirected message in the same manner as if it had received the initial message under subdivision (a).
- (c) If the county elections official determines that a DMV COA potential match is valid but contains an out-of-state address, the county elections official shall accept the potential match, and update the voter's record to inactive status and send a forwardable address confirmation mailing to the new address, which must be in substantially the form required by Section 8(d)(2) of the NVRA (52 U.S.C. Section 20507).
- (d) If a county elections official determines that a DMV COA potential match was processed in error, the county elections official shall:
  - (1) Reverse the previous determination if the error is identified within 24 hours of submitting the match determination.
  - (2) Notify the Secretary of State Elections Division Help Desk if the error is identified more than 24 hours after submitting the match determination.
- (e) The county elections official shall submit any change in the registration record to the statewide voter registration system in accordance with Section 19061.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Sections 20507 and 21083.*

#### **19081. Inactivating and Cancelling Voters**

(a) If mailings have been returned as undeliverable, or if NCOA, Operation Mail, a returned mailing, or postal service change-of-address data indicates that a voter has moved and left no forwarding address or moved out of state, the county elections official shall send a forwardable address confirmation mailing to the voter at that same address, which must be in the form required by Section 8(d)(2) of the NVRA (52 U.S.C. Section 20507(d)(2)).

(1) Pursuant to Section 2226(a)(3) of the Elections Code, the county elections official shall not send this mailing to a voter who has confirmed the voter's voter registration record on the internet website of the Secretary of State within the year. However, in the event mailings have been returned as undeliverable or any of the above-mentioned notifications or data indicates that voter has moved and left no forwarding address or moved out of state, this mailing must be sent even if this mailing occurs within a year of the voter's confirmation.

(b) Upon the sending of the notice described in subdivision (a), the county elections official shall update the voter's record to inactive status.



- (c) An inactive voter retains the legal right to vote, but need not be mailed election materials. A voter who does not respond to the notice described in subdivision (a) prior to the 15th day before the date of an election may have to provide proof of their residence address in order to vote.
- (d) The registration of a voter who is sent a notice described in subdivision (a) shall be cancelled pursuant to Section 303(a)(4)(A) of HAVA (52 U.S.C. Sections 21083(a)(4)(A)) and Sections 8(a)(4) and 8(d)(3) of the NVRA (52 U.S.C. Sections 20507(a)(4), (d)(3)) unless the voter:
- (1) Responds to the notice confirming a California residential address;
  - (2) Offers or appears to vote in any election in California within the next two federal general election cycles following the date of the notice; or
  - (3) Otherwise confirms their California residence (i.e., by re-registering to vote or submitting a change of address through DMV).
- (e) The county elections official shall cancel a voter's registration for reasons described in Elections Code section 2201(a).
- (f) Prior to cancelling a voter's registration based on a written request submitted by the voter, the county elections official shall determine that the signature on the written request and, if provided, the date of birth and/or California driver license or identification card number appear to be the same as that on the affidavit of registration. A scanned copy of the cancellation request shall be attached to the voter record as verification.
- (g) Upon cancellation of a registration pursuant to subdivision (f), the county elections official shall confirm in writing to the requestor, within 30 days of receipt of the request, that the registration has been cancelled pursuant to the request.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 2201, 2220, 2221, 2222, 2223, 2224, 2225, 2226, and 2227, Elections Code; 52 U.S.C. Sections 20507 and 21083.*

## **19082. Confidential Voters**

For voters registered pursuant to Elections Code sections 2166, 2166.5, and 2166.7, the county elections official shall do all of the following:

- (a) Enter into the statewide voter registration system a confidential voter record in its entirety without omission or redaction;
- (b) Establish and maintain restricted access for county elections staff that enter and view confidential voter information in the statewide voter registration system;
- (c) Ensure that county elections staff that enter and view confidential voter information is trained on processing and maintaining confidential records; and
- (d) Comply with Elections Code sections 2166, 2166.5, and 2166.7.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083; Sections 2166, 2166.5, and 2166.7, Elections Code.*

## **19083. Synchronization**

- (a) The county shall conduct regular synchronization checks to compare the voter registration data in the statewide voter registration system with the voter registration data in the county EMS and resolve any differences.

- (b) County elections officials shall complete a synchronization check, and take appropriate actions to resolve the differences, at least monthly.
- (c) County elections officials shall complete a synchronization check, including the resolution of any differences, no more than 30 days prior to:
- (1) A Report of Registration (ROR);
  - (2) An official list extract for an election; and
  - (3) Voter Information Guide (VIG) processing.
- (d) When differences are identified in a synchronization check, the county elections official shall prioritize the correction of the data differences as follows:
- (1) Voters in the county EMS and not in the statewide voter registration system
  - (2) Voters in the statewide voter registration system and not in the county EMS
  - (3) Data differences between the statewide voter registration system and the county EMS
- (e) For synchronization areas, the county elections official shall prioritize the correction of the data in the categories as follows:
- (1) Precinct and district data
  - (2) Voter registration data
  - (3) Voter participation history
  - (4) Voter affidavit and signature
  - (5) Voter correspondence
- (f) For each of the data categories, the county elections official shall be within acceptance tolerance criteria based on the number of differences between the county EMS and the statewide voter registration system. If the total number of records is within the acceptance tolerance for the category, the category is within the acceptance tolerance. The synchronization acceptance tolerance is as follows:
- (1) For precinct and district data, 100% conformity between the county EMS and the statewide voter registration system.
  - (2) For voter registration record differences, as follows:
    - (A) Up to 5,000 with 5 differences allowed.
    - (B) Between 5,001 and 100,000 with 100 differences allowed.
    - (C) Between 100,001 and 500,000 with 500 differences allowed.
    - (D) Between 500,001 and 1,000,000 with 1,000 differences allowed.
    - (E) Between 1,000,001 and 3,000,000 with 3,000 differences allowed.
    - (F) Between 3,000,001 and 8,000,000 with 8,000 differences allowed.
    - (G) Greater than 8,000,000 with 8,000 differences allowed.
  - (3) For voter participation records, voter affidavit and signature differences, and voter correspondence, as follows:
    - (A) Up to 100,001 with 100 differences allowed.
    - (B) Between 101 and 500,000 with 500 differences allowed.
    - (C) Between 500,001 and 1,000,000 with 1,000 differences allowed.
    - (D) Between 1,000,001 and 5,000,000 with 5,000 differences allowed.
    - (E) Between 5,000,001 and 20,000,000 with 20,000 differences allowed.
    - (F) Between 20,000,001 and 50,000,000 with 50,000 differences allowed.
    - (G) Greater than 50,000,000 with 50,000 differences allowed.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19084. Creation of County Administered Local and Statewide Elections**

- (a) The Secretary of State shall create for all statewide elections a record containing the name of the election in the statewide voter registration system in conformance with Section 19085.
- (b) County elections officials shall create, for each county administered local and statewide election, an election in the county EMS and send the election to the statewide voter registration system with election names and associated codes in conformance with Section 19085.
- (c) County elections officials shall enter their election precincts and polling places into their county EMS and send them to the statewide voter registration system in accordance with Elections Code sections 12223, 12241, and 12286 at least 29 days prior to county administered local and statewide elections. Any change of a polling place made pursuant to Elections Code section 12281 shall also be sent to the statewide voter registration system immediately.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19085. Election Naming Standards**

When creating a county administered local or statewide election, the following election names and associated codes shall be used:

- (a) Congressional District Special General – CG
- (b) Congressional District Special Primary – CP
- (c) Direct Primary – DP
- (d) Gubernatorial General – GG
- (e) Gubernatorial Primary – GP
- (f) Other Legislative District Special General – SG
- (g) Other Legislative District Special Primary – SP
- (h) Presidential General – PG
- (i) Presidential Primary – PP
- (j) Special Statewide – SS
- (k) Bond – BD
- (l) General Law Cities – GL
- (m) Municipal – MU
- (n) Open – OP
- (o) Recall – RC
- (p) Special Vacated Primary – SV
- (q) Tax – TX
- (r) UDEL Mailed Ballot – UM
- (s) Uniform District Election – UD
- (t) Other – OT

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19086. Report of Registration**



(a) Prior to the Secretary of State generating a Report of Registration (ROR) from the statewide voter registration system, the county elections official shall:

- (1) Conduct a synchronization check pursuant to Section 19083.
- (2) Verify that all eligible precincts are associated with a congressional, assembly, senate, supervisorial, Board of Equalization, and either a municipal or unincorporated district.
- (3) Resolve any synchronization issues resulting in incorrect voter counts, voter political party preference, or voter distributions by political subdivision.
- (4) Provide notice to the Secretary of State that information specified in Elections Code section 2187(a) is available.

(b) Following the notice specified in subdivision (a), the county elections official shall certify the information provided to the Secretary of State by the deadlines specified in Elections Code section 2187(c).

*Note: Authority cited: Section 12172.5, Government Code; Sections 10, 2168, and 2187, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19087. Official List Extract**

(a) The county elections official shall generate an official list extract from the statewide voter registration system for the purpose of conducting a county administered local or statewide election.

(b) Prior to generating an official list extract from the statewide voter registration system, the county elections official shall:

- (1) Conduct a synchronization check pursuant to Section 19083.
- (2) Verify that:
  - (A) All eligible voter precincts are assigned to the election;
  - (B) All eligible voter precincts are the precincts associated with the registration date that is on or before the election registration close date; and
  - (C) All voters that will be 18 years of age on or before the election shall be marked as active 60 days before the election to be included in the official list extract.

(c) The official list extract shall contain all active and inactive voters for the county as of an effective date (e.g., close of registration).

(d) The county elections official shall use the official list extract from the statewide voter registration system as the foundation of the official elections roster for a county administered local or statewide election. The county elections official may add additional information to the official elections roster that is not present on the official list extract as necessary for election purposes.

(e) Subsequent or supplemental rosters, after the initial roster, may be created from either a county elections official's county EMS or from the statewide voter registration system.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19088. Voter Information Guide**

(a) Prior to beginning the process for the mailing of the state Voter Information Guide (VIG) for a statewide election, the county elections official shall:

- (1) Conduct a synchronization check pursuant to Section 19083; and
- (2) Verify that all active precincts have voters assigned to that election.

(b) Between 60 days and 50 days before the election, the county elections official shall notify the Secretary of State in writing that the county is ready for the initial state VIG mailing list of voters registered 60 days before the election to be extracted from the statewide voter registration system and for the Secretary of State to mail the state VIG to the registered voter households in the county elections official's county.

(c) Between 29 days and 27 days before the election, the Secretary of State shall extract an additional VIG mailing list of voters registered after the 60<sup>th</sup> day before the election from the statewide voter registration system and the Secretary of State shall mail the state VIG to those additional registered voter households in the county elections official's county.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19089. Pre-Registrants**

(a) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may pre-register to vote prior to turning 18 years of age pursuant to Elections Code sections 2102 and 2150.

(b) A pre-registrant shall be indicated in the county EMS and the statewide voter registration system with a status of "pending underage."

(c) At the time the pre-registrant turns 18 years of age, the county elections official shall:

- (1) Change the pre-registrant's status from "pending underage" to "active" in the statewide voter registration system; and
- (2) Send a notice to the pre-registrant of the change in voter status to "active" informing the registrant of his/her eligibility to vote.

(d) Sixty (60) days before Election Day, a pre-registrant who will turn 18 years of age on or before Election Day shall be marked as active to receive election related material and appear on the official list.

(e) All registration data of pre-registrants shall remain confidential and not appear on any list, roster, or index until the pre-registrant turns 18 years of age and becomes a registered voter, except 60 days before Election Day.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083; Sections 2102 and 2150, Elections Code.*

#### **19090. Changes in Mapping of Precincts to Statewide Political Jurisdictions**

(a) Whenever a county elections official completes changes in the assignment of precincts to any state or federal political jurisdiction, the county elections official shall immediately transmit updated precinct data to the statewide voter registration system.



(b) Upon completion of redistricting activities, a county shall immediately update the statewide voter registration system with the current precinct jurisdiction information.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19091. Vote-by-Mail Ballot Processing and Return Status**

(a) A county elections official shall send vote-by-mail (VBM) ballot issuance data for each VBM ballot delivered pursuant to Section 3010 of the Elections Code to the statewide voter registration system as soon as a VBM ballot is issued to a voter.

(b) If a county elections official participates in the system created pursuant to Elections Code section 3019.7 to allow a vote-by-mail voter to track their VBM ballot through the mail system, the county elections official shall send the following information to the statewide voter registration system so that the voter may receive information via email or text message about the status of his or her VBM ballot:

(1) The date the VBM ballot is delivered by the county elections official to the United States Postal Service, to comply with Elections Code section 3019.7(a)(1).

(2) The date, based on information from the United States Postal Service, that the voter's VBM ballot is expected to be delivered to the voter, to comply with Elections Code section 3019.7(a)(2).

(3) Notification if the voter's VBM ballot is returned as undeliverable to the county elections official by the United States Postal Service, to comply with Elections Code section 3019.7(a)(3).

(4) The date when a completed VBM ballot is received by the county elections official, to comply with Elections Code section 3019.7(a)(4).

(5) The information required by subdivision (c), to comply with Elections Code section 3019.7(a)(5). This will allow the system established under Elections Code section 3019.7 to notify a voter when their VBM ballot has been counted or, if the ballot cannot be counted, of steps the voter can take in order to have the ballot counted.

(6) The county elections official shall not be required to send information on the deadline for the voter to return his or her ballot to comply with Elections Code section 3019.7(a)(6). This information can be generated automatically from the system established under Elections Code section 3019.7.

(c) The county elections official shall, immediately upon adjudication of a voter's VBM ballot received pursuant to Elections Code section 3020, enter into the statewide voter registration system a VBM ballot return status and reason code.

(1) The ballot return status of a VBM ballot shall be indicated as either "Accepted" or "Not Accepted."

(2) An appropriate reason code shall be assigned by the county elections official in accordance with Section 19092, if the ballot return status is "Not Accepted."

(d) VBM ballot information referred to in subdivisions (a) through (c) above shall be displayed on the Secretary of State's "My Voter Status" page, along with the voter participation history.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3007.5, 3007.7,*



3007.8, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3016.5, 3017, 3018, 3019, 3019.5, 3019.7, 3020, 3021, 3021.5, 3022, 3023, 3024, 3025, and 3026, *Elections Code*; 52 U.S.C. Section 21083.

## **19092. Vote-by-Mail Ballot Reason Codes**

- (a) For all VBM ballots where the ballot return status is “Not Accepted,” an appropriate reason code shall be assigned by the county elections official.
- (b) If a VBM ballot has not had a final adjudication, the county elections official shall assign a temporary reason code of “In review.” Upon the final adjudication of the ballot, “In review” shall be replaced with either a ballot return status of “Accepted” or with a reason code for “Not Accepted” as provided in subdivision (c) below.
- (c) If a county elections official does not accept a VBM ballot, then a ballot status of “Not Accepted” shall be assigned along with one of the reason codes listed below:
  - (1) “Voter already voted.” This reason code shall be used when the voter has an accepted or counted ballot in California for that election, when the voter has previously:
    - (A) Voted at a location as provided in Elections Code section 338.5;
    - (B) Returned a VBM ballot in California that was accepted by a county elections official;
    - (C) Returned a provisional ballot that has been processed and counted in the same or another county; or
    - (D) Returned a CVR provisional ballot that has been processed and counted in the same or another county.
  - (2) “No voter signature.” This reason code shall be used when the voter did not provide a signature on the VBM ballot envelope.
  - (3) “Non-matching signature.” This reason code shall be used when the voter provided a signature on the VBM ballot envelope that did not compare to the signature on file with the county.
  - (4) “Ballot missing from envelope.” This reason code shall be used when the VBM ballot envelope did not contain a ballot.
  - (5) “Voter deceased.” This reason code shall be used when it is determined that the voter was deceased prior to the signature on the envelope.
  - (6) “Missing or incorrect address on the envelope.” This reason code shall be used when the address is missing from the VBM envelope or when the address does not match the registration record on file in the elections office.
  - (7) “Multiple ballots returned in one envelope.” This reason code shall be used when more than one VBM ballot is returned in an envelope.
  - (8) “Ballot was not received in time.” This reason code shall be used when a VBM ballot was postmarked after Election Day or was postmarked on or before Election Day and was received by the county elections office more than three days after the election or was delivered to the polls or vote center after the close of the polls on Election Day.
  - (9) “VBM ballot was undeliverable.” This reason code shall be used when the VBM ballot is returned by the United States Postal Service and marked undeliverable.
  - (10) “Please contact your county for further information.” This reason code shall be used when the county rejection reason is not “In review” or as provided in (c) (1-9) above.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3007.5, 3007.7, 3007.8, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3016.5, 3017, 3018, 3019, 3019.5, 3019.7, 3020, 3021, 3021.5, 3022, 3023, 3024, 3025, and 3026, Elections Code; 52 U.S.C. Section 21083.*

### **19093. Provisional Ballot Processing and Return Statuses**

If a voter's provisional ballot is to be included in a semi-official or official canvass pursuant to Elections Code section 14310, the county elections official shall process the voter's provisional ballot as provided in this section.

- (a) The county elections official shall immediately upon adjudication of the voter's provisional ballot, enter into the statewide voter registration system a ballot return status and reason code.
- (b) The ballot return status of a provisional ballot shall be indicated as either: "Counted" or "Not Counted."
- (c) An appropriate reason code shall be assigned in accordance with section 19094, if the ballot status is "Not Counted."
- (d) Provisional ballot information referred to in subdivisions (c) and (d) above, indicating whether a provisional ballot is counted or if it is not counted and the reason why it was not counted, shall be displayed on the Secretary of State's "My Voter Status" page, along with the voter participation history.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Section 14310 Elections Code; 52 U.S.C. Section 21083.*

### **19094. Provisional Ballot Reason Codes**

- (a) For all provisional ballots where the ballot return status is "Not Counted," an appropriate reason code shall be assigned by the county elections official.
- (b) If a provisional ballot has not had a final adjudication, the county elections official shall assign a temporary reason code of "In review." Upon the final adjudication of the ballot, "In review" shall be replaced with either a ballot return status of "Counted" or with a reason code for "Not Counted" as provided in subdivision (c) below.
- (c) If a county elections official does not count a provisional ballot, then a ballot status of "Not Counted" shall be assigned along with one of the reason codes listed below:
  - (1) "Voter already voted." This reason code shall be used when the voter has an accepted or counted ballot in California for that election, when the voter has previously:
    - (A) Voted at a location as provided in Elections Code section 338.5;
    - (B) Returned a VBM ballot in California that was accepted by a county elections official;
    - (C) Returned a provisional ballot that has been processed and counted in the same or another county; or
    - (D) Returned a CVR provisional ballot that has been processed and counted in the same or another county.
  - (2) "No voter signature." This reason code shall be used when the voter did not provide a signature on the provisional ballot envelope.

- (3) "Non-matching signature." This reason code shall be used when the voter provided a signature on the provisional ballot envelope that did not compare to the signature on file with the county.
- (4) "Ballot missing from envelope." This reason code shall be used when the provisional ballot envelope did not contain a ballot.
- (5) "Voter not registered." This reason code shall be used when the voter's record is missing substantive information, which means the registration does not contain the facts necessary to determine eligibility to vote, including name, place of residence and date of birth.
- (6) "Voted in wrong county." This reason code shall be used when a voter voted in a county where he/she was not registered.
- (7) "Voted wrong ballot." This reason code shall be used when a voter voted a ballot that he/she is not eligible to vote.
- (8) "Envelope was incomplete and/or illegible." This reason code shall be used when the substantive information provided on the provisional ballot envelope was missing or unclear.
- (9) "Please contact your county for further information." This reason code shall be used when the county rejection reason is not "In review" or as provided in (c) (1-8) above.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19095. Conditional Voter Registration Provisional Ballot Processing**

If a voter's conditional voter registration (CVR) is deemed effective pursuant to Elections Code section 2170, the county elections official shall process the voter's CVR provisional ballot as provided in Sections 20025 and 20026 of Title 2, Division 7, Chapter 1, Article 3.5 of the California Code of Regulations.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Section 2170, Elections Code; 52 U.S.C. Section 21083.*

#### **19096. Ballot Status**

- (a) The county elections official shall send the status of each VBM, provisional, and CVR ballot to the statewide voter registration system in near real time for each voter that has participated in a specific election.
- (b) The county elections official shall resolve the "In Review" status of each VBM, provisional, and CVR ballot and send the final adjudication to the statewide voter registration system no later than the 31<sup>st</sup> day after the election.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19097. Voter Participation History**



- (a) The county elections official shall send voter participation history to the statewide voter registration system in near real time starting with the first day of voting for each voter that has participated in a specific election.
- (b) Voter participation history shall accurately indicate the method of participation as early, vote-by-mail, polling place, vote center, or CVR.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: 52 U.S.C. Section 21083.*

#### **19098. Certification of County Elections Official**

(a) Each county elections official shall certify that the county in which the elections official has jurisdiction over the elections is in compliance with all provisions of this chapter for each Federal election. Each county elections official shall do so by signing a certification form provided by subsection (b) and submitting it to the Secretary of State with the statement of vote required pursuant to California Elections Code section 15375. The certification form shall be provided by the Secretary of State by electronic or regular mail or facsimile transmission to each county elections official along with the statement of vote reporting instructions on or before the third day following a Federal election. Each county elections official shall submit to the Secretary of State an original, fully executed certification form with the copy of the certified statement of results required by California Elections Code section 15375.

(b) The certification form shall be in substantially the following format:

Certification of  
County Elections Official  
of the Results of the Canvass  
of the \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_ Election

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, County Elections Official of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on \_\_\_\_\_, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached, is full, true, and correct.

I hereby set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at the County of \_\_\_\_\_.

(County Seal)

\_\_\_\_\_  
(Signature)  
County Elections Official

County of \_\_\_\_\_  
State of California

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Section 15375, Elections Code; 52 U.S.C. Section 21083.*

## **Chapter 2. Statewide Voter Registration Database**

### **20108. Purpose.**

- (a) The purpose of this chapter is to establish standards and procedures for processing, transmitting, and maintaining voter registration records in a manner that conforms with the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483.)
- (b) This chapter applies to the Secretary of State and all elections officials within the State of California in processing, transmitting, and maintaining voter registration records in this state.

### **20108.1. Definitions.**

As used in this Chapter, the following words have the following definitions:

- (a) — "Active voter" means any registered voter that is legally entitled to vote and has not been deemed an "inactive voter" pursuant to the voter registration provisions of Elections Code section 2221.
- (b) — "Business day" means each day in which the elections official, as defined below, is open for business.
- (c) — "Calvalidator" means the Secretary of State's computer application and system used to validate the California driver's license or state identification number or the last four digits of the social security number of new or existing registrants.
- (d) — "Calvoter" means the Secretary of State's computer application, system and hardware that receives, transmits, and stores voter registration data for all registered voters in California pursuant to the requirements of Section 303 of HAVA (42 U.S.C. § 15483).
- (e) — "Calvoter workstation" means the Secretary of State's owned personal computer located in the office of each elections official and connected directly to the Calvoter network, which is used to facilitate the exchange of data between each county and the Calvoter database.
- (f) — "Confirmed California driver's license or state identification number" means a driver's license or state identification number within Calvoter that has been provided to Calvoter by the elections official in the county where the individual registered to vote.
- (g) — "Deficient registration record" means those records submitted to Calvoter that do not contain the substantive information necessary to determine eligibility to vote, as well as those records that do not meet the Calvoter data exchange standards set forth in the Calvoter and Calvalidator Data Standards (05/2007).
- (h) — "Elections management system" means the computerized application and database that manages voter registration and related election functions for a jurisdiction.
- (i) — "Elections official" means a county clerk or registrar of voters who is responsible for collecting and processing voter registration data within a jurisdiction in the State of California.



- (j) — "Federal election" means any general, special, primary, or runoff election for any Federal office (President, Vice President, U.S. Senator or U.S. Representative), including presidential preference primaries.
- (k) — "Full load file" means an electronic data file containing all voter registration records from a county for submission to Calvoter. Such a file must adhere to the format standards set forth in the Calvoter and Calvalidator Data Standards (05/2007).
- (l) — "Inactive voter" means a voter for whom a county has received: 1) a returned residency confirmation mailing pursuant to California Elections Code section 2220 without a forwarding address within the same county, or 2) information obtained through the United States Postal Service National Change of Address (NCOA) database indicating that the voter has moved outside the county pursuant to California Elections Code sections 2222 and 2226. Per California Elections Code sections 2221 and 2226, such inactive registrants retain the legal right to vote, but need not be mailed election material. Further, inactive voters who do not vote in two consecutive Federal general elections are subject to cancellation of their voter registration pursuant to Section 303(a)(4)(A) of HAVA (42 U.S.C. § 15483(a)(4)(A)).
- (m) — "List maintenance notices" mean any notices mailed to a registered voter for the purpose of verifying registration information about a registrant and to determine a registrant's ongoing eligibility to vote.
- (n) — "Registration record" means electronically stored data associated with an individual registered voter.
- (o) — "Registration update file" means an electronic data file for submission to Calvoter that contains all voter registration record changes that have occurred since the last data submission from a county. Such a file must adhere to the format standards set forth in the Calvoter and Calvalidator Data Standards (05/2007).
- (p) — "Satisfactory proof of identity" means the forms of proof of residency and identity as defined in the California Code of Regulations, title 2, section 20107.
- (q) — "Verified California driver's license or state identification number" means a registrant's California driver's license or state identification number that has been verified against California Department of Motor Vehicle records.
- (r) — "Verified social security number" means the last four digits of a registrant's social security number issued by the Social Security Administration that has been verified against the Social Security Administration through the California Department of Motor Vehicle records.
- (s) — "Voter history" means the electronic record of each time a voter participates in a state or Federal election.

#### **20108.12. Action Required**

Unless otherwise provided in law, an elections official who receives a notice requesting a change to, or cancellation of, a voter's registration record pursuant to the California Elections Code or this chapter shall perform and complete the requested action within five (5) business days. During the five (5) business day period, county elections officials shall take all reasonable actions to research and resolve the requested action, including but not limited to, reviewing registration and voting history, reviewing source documents, matching signatures and contacting registrants directly. Performance shall not be complete until the elections official has submitted the fully complete and updated files or full load files to Calvoter in accordance with Section 20108.15 and Section 20108.40.



#### **20108.15. Data Exchange Standards**

- (a) — The Secretary of State shall regularly check and identify records that are not compliant with the Calvoter and Calvalidator Data Standards (05/2007). Elections officials shall correct the deficient registration records in accordance with Section 20108.25 and Section 20108.40.
- (b) — Except as provided in Section 20108.18, elections officials shall submit all registration records to the Secretary of State. Such records shall be submitted through the Calvoter workstations and adhere to the format standards set forth in the Calvoter and Calvalidator Data Standards (05/2007).
- (c) — The Secretary of State shall transmit registration records, notices, and other information regarding the statewide voter registration database to elections officials through the Calvoter workstations.
- (d) — Each elections official shall access the Calvoter workstation each business day to obtain information transmitted by the Secretary of State.
- (e) — The publication entitled Calvoter and Calvalidator Data Standards (05/2007) may be accessed by elections officials through the county vendor website or by contacting the Secretary of State's Office.

#### **20108.18. Official Statewide Voter Registration List**

- (a) — The official statewide voter registration list for Federal elections shall be maintained in Calvoter. Elections officials shall use the official statewide voter registration list to determine eligibility to vote, issuance of ballot, and whether or not to count a provisional ballot.
- (b) — For the purposes of establishing the official voter registration list for a Federal election and determining voter eligibility to vote in that election, including determining the validity of any provisional ballot cast in that election, only new or updated voter registration data received by county elections officials on or before the 15th day prior to the election shall be accepted by Calvoter after the 15th day prior to the election through the 28th day after the election, except under the following circumstances:
  - (1) — New or updated voter registration data received pursuant to the production and filing of a certified copy of a judgment of the superior court directing registration to be made;
  - (2) — New or updated voter registration data received by mail in a voter registration affidavit postmarked on or before the 15th day prior to the election;
  - (3) — New or updated voter registration data received in an affidavit submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. § 1973gg) on or before the 15th day prior to the election;
  - (4) — Voter registration data received from new residents in accordance with California Elections Code Section 3400;
  - (5) — Voter registration data received from new citizens in accordance with California Elections Code Section 3500;
  - (6) — Updated voter registration data received pursuant to subdivision (c); or
  - (7) — Voter registration data regarding anyone else determined by the Secretary of State or an elections official to have been legally registered to vote as of election day.

(c) — For the period beginning on the 14th day prior to a Federal election through the 28th day after the election, all voter registration record additions, updates and deletions not relevant to that election shall be held at the County and not added to Calvoter until the 29th day following that election.

(1) — A registrant who has submitted an affidavit of registration on or before the 15th day prior to an election with insufficient information to determine eligibility may be placed in pending status. Elections officials shall permit those registrants who remain in pending status after the 15th day prior to an election, to vote a provisional ballot in accordance with Elections Code section 14310, notwithstanding that pending status.

(2) — The elections official shall make all reasonable attempts to resolve the pending status of registrants described in paragraph (1) within 28 days of the election and shall count the provisional ballot if the pending status of the registrant within that time.

(d) — Elections officials shall provide each polling place in a Federal election with an index of registration provided for the purpose described in California Elections Code section 14216. Elections officials shall ensure that the index of registration is identical to the county index of registration in Calvoter.

(e) — New or updated voter registration data that is not received by county election officials on or before the 15th day prior to the Federal election and that is not subject to the circumstances described in paragraphs (b)(1) through (b)(7) above shall be submitted to and accepted by Calvoter in accordance with Section 20108.15 commencing with the 29th day after the election.

(f) — Following the certification of election results by all elections officials, and beginning on the 29th day following the Federal election, the new or updated voter registration data shall be submitted to and accepted by Calvoter in accordance with Section 20108.15 and Section 20108.40.

#### **20108.20. Elections Management System Requirements**

Each elections official shall maintain an elections management system that receives information from and submits information to Calvoter in accordance with Section 20108.15 and Section 20108.40. The elections management systems shall also maintain and process all of the following information:

(a) — The registrant's California driver's license or state identification number and whether that number was verified against California Department of Motor Vehicle records; or, for registrants without a California driver's license or identification number issued by the Department of Motor Vehicles, the last four digits of the registrant's social security number and whether that number was verified against Social Security Administration records; or, for registrants without a California driver's license or state identification number or a social security number, the unique identifier issued to the registrant in accordance with Section 20108.70.

(b) — Pending status for each voter registration record until such time as the pending status is resolved;

(c) — Voting history of each registered voter in the county in which the elections official conducts and administers the elections;

(d) — Identify those voters who registered by mail, and (i) if so, are required to present satisfactory proof of identity when voting for the first time in a Federal election or, (ii) if not, the reason for the exemption, which are (A) previously voted in a Federal election within the state, (B) submitted satisfactory proof of identification with the voter registration application, (C)



provided a driver's license or state identification number or the last four digits of the social security number on the registration application which was verified, (D) entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act, (E) entitled to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, or (F) entitled to vote otherwise than in person under any other Federal law.

(e) — Date and type for each mailing list maintenance notice sent to a voter, whether the voter to whom the list maintenance notice was directed responded to the notice, and any resulting updates to voter registration records;

(f) — For a voter who is listed in an elections management system as an inactive voter, the reason for the change in status to inactive voter and the date of the change; and

(g) — For a voter who is listed in an elections management system as having a cancelled registration, the reason for the change in status to cancelled and the date of the change.

#### **20108.25. Deficient Registration Records**

(a) — A registration record submitted for the purposes of updating Calvoter that does not contain substantive information required to determine eligibility to vote shall not be accepted by Calvoter and shall automatically be returned to the elections official who submitted the deficient registration record with a deficiency notice. Within five (5) business days of receipt of a deficiency notice pursuant to this subdivision the elections official shall correct and resubmit the registration record, to Calvoter in accordance with Section 20108.15 and Section 20108.40. An individual who is the subject of the deficient registration record shall not be registered to vote until the deficient registration record is resubmitted to and accepted by Calvoter. For purposes of this subsection, "substantive information required to determine eligibility to vote" means the facts necessary to determine eligibility to vote, including the registrant's name, whether the registrant is a citizen of the United States, place of residence and if the registrant does not possess a residence address at which mail may be received, his or her mailing address, date of birth, state or country of birth, and a statement that the registrant is not currently imprisoned or on parole for the conviction of a felony. An individual who is not registered to vote pursuant to this subsection may only vote by provisional ballot.

(b) — When the Secretary of State identifies a registration record within Calvoter that lacks only nonsubstantive information or does not conform to the Calvoter and Calvalidator Data Standards (05/2007), the Secretary of State shall automatically send a deficiency notice in accordance with Section 20108.15 to the elections official who submitted the deficient registration record. Within five (5) business days of receipt of a deficiency notice, the elections official shall submit the corrections to Calvoter in accordance with Section 20108.15 and Section 20108.40. Voters whose registration records are identified as deficient pursuant to this subdivision shall remain as active voters and shall be permitted to vote using a regular ballot. For purposes of this subsection, "nonsubstantive information" means information that is not required to determine eligibility to vote.

#### **20108.30. Confirmation of California Driver's License and State Identification Numbers for Affidavits of Registration Submitted Prior to January 1, 2006**

(a) — On or before December 15, 2005 the Secretary of State shall process the driver's license and state identification data file from the California Department of Motor Vehicles to identify



California driver's license and state identification numbers for all registered voters in Calvoter who do not have confirmed California driver's license or state identification numbers.

(b) — The unconfirmed California driver's license and state identification numbers that are identified as a result of the process in subdivision (a) shall be sent to elections officials by December 15, 2005, in accordance with Section 20108.15 and Section 20108.40. Elections officials shall enter the unconfirmed California driver's license and state identification numbers in the files of registered voters in the counties and send registration update files or full load files to Calvoter in accordance with Section 20108.15 and Section 20108.40 on or before December 31, 2005.

(c) — For each registered voter for whom the process in subdivision (a) does not identify a California driver's license or state identification number, elections officials shall generate a unique identification number for the registrant in accordance with the Calvoter and Calvalidator Data Standards (12/2005) on or before December 31, 2005.

#### **~~20108.35. Active Voter Files~~**

~~Elections officials shall continuously submit all active voter files to Calvoter in accordance with Section 20108.15 and Section 20108.40.~~

#### **~~20108.36. Inactive Voter Files~~**

~~Elections officials shall continuously submit all inactive voter files to Calvoter in accordance with Section 20108.15 and Section 20108.40.~~

#### **~~20108.37. Processing New Voter Registration Applications~~**

#### **~~20108.38. Additional Processing for Voter Registration Applications Submitted by Mail for New Voters~~**

(a) — If a voter registration application is submitted by mail, the elections official shall determine if any of the following conditions are met before the voter registration data is submitted to Calvoter:

- (i) ~~Applicant provided satisfactory proof of identity with the voter registration application or otherwise provided satisfactory proof of identity prior to voting in a Federal election; or~~
- (ii) ~~California driver's license or state identification number or the last four digits of the social security number provided was verified with Calvalidator or the Department of Motor Vehicles; or~~
- (iii) ~~Applicant is registered to vote under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 et seq.), or is entitled to vote other than in person under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee-1(b)(2)(B)(ii)), or any other Federal law; or~~
- (iv) ~~Applicant has previously registered to vote in the State and the elections official has determined, after researching the applicant's voting history in the county election management system and Calvoter, that the applicant has previously voted in a Federal election in the State.~~

(b) — If any of the conditions in subdivision (a) are satisfied, the registrant shall be exempt from providing further proof of identity under HAVA for the purpose of voting. The elections official shall enter into his or her election management system the reason for the exemption from the HAVA identification requirement and, if the registrant is determined to be otherwise eligible to vote, the elections official shall transmit that data to Calvoter in accordance with Section 20108.15 and Section 20108.40.

(c) — If the elections official determines that none of the conditions in subdivision (a) are satisfied, but the registrant is determined to be otherwise eligible to vote, the elections official shall submit the record to Calvoter in accordance with Section 20108.15 and Section 20108.40 and that record shall indicate that proof of identity must be provided the first time the voter votes in a Federal election.

(d) — Voters identified in subdivision (c) shall be required to provide proof of identity the first time they vote in a Federal election.

(e) — Once voters identified in subdivision (c) have voted in a Federal election, the elections official shall update the county election management system and Calvoter to reflect that the voter is no longer required to provide proof of identity in accordance with Section 20108.15 and Section 20108.40.

#### **20108.40. — Updating Calvoter with New Registration Records and Changes to Existing Registration Records**

Except as provided in Section 20108.18, whenever an elections official receives a new registration record or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the elections official shall process such information in accordance with Section 20108.12 and transmit a registration update file or a full load file to Calvoter in accordance with Section 20108.15 on the business day in which the changes are made to the elections management system.

#### **20108.45. — Changes in the Mapping of Precincts to Statewide Political Jurisdictions**

Whenever the elections official completes changes in the assignment of precincts to any state or federal political jurisdiction, the elections official shall transmit an updated precinct file to Calvoter in accordance with Section 20108.15 by the close of the next business day.

#### **20108.50. — National Change of Address Processing**

Except during the 90 days prior to a Federal election, the Secretary of State shall conduct monthly voter registration list maintenance using a change of address service or services based on the United States Postal Service National Change of Address (NCOA) database to identify address changes for registered voters. For records showing a change of address, the Secretary of State shall automatically transmit a change of address notice to the elections official in the county from or within which a voter has moved. Within five (5) business days of receipt of a change of address notice from the Secretary of State the elections official shall process the change of address notice pursuant to California Elections Code Section 2225 and Section 2226



and submit any changes in the registration record to Calvoter in accordance with Section 20108.15 and Section 20108.40.

#### **~~20108.51. Department of Motor Vehicles Change of Address Processing~~**

~~Within five (5) business days of receipt of Department of Motor Vehicles information identifying a change of address for a voter, the elections official shall update the voter registration record accordingly and submit the registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.~~

#### **~~20108.55. State Death and Felony Status Records~~**

- ~~(a) — The Secretary of State shall, on a weekly basis, compare all voter registration records with records of deceased persons from the Department of Health Services and records of persons with felony convictions ineligible to vote from the Department of Corrections and Rehabilitation.~~
- ~~(b) — Whenever the Secretary of State receives new records of deceased persons from the Department of Health Services or records of persons with a felony conviction which renders them ineligible to vote from the Department of Corrections and Rehabilitation, the records shall be compared to the voter registration records in Calvoter to identify potential matches.~~
- ~~(c) — Upon identifying potential matches, the Secretary of State shall transmit notices of the potential matches in accordance with Section 20108.15 and Section 20108.40 to the elections officials in the counties in which the potential matches are identified.~~
- ~~(d) — Within five (5) business days of receipt of a notice of potential match the elections official shall take all necessary steps to determine whether or not the registration record matches a record of a deceased person or person with a felony conviction which renders that person ineligible to vote. If a match is confirmed by the elections official, the elections official shall update the registration records accordingly and submit a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.~~
- ~~(e) — Whenever the Secretary of State receives records of persons with a federal felony conviction which renders them ineligible to vote, the records shall be forwarded to the elections official of the person's county of residence. The elections official shall process the record in accordance with Section 20108.12.~~
- ~~(f) — County elections officials shall process county death records in accordance with California Elections Code Section 2205 and Section 20108.12 of this chapter.~~
- ~~(g) — County elections officials shall process county felony records in accordance with California Elections Code Section 2212.~~

#### **~~20108.60. Duplicate Registration Records~~**

- ~~(a) — The Secretary of State shall conduct checks at least once per month within the Calvoter statewide registration list to identify potential duplicate registrations for the same voter within that list, based on established rotating criteria. Upon identification of potential duplicate registration records, the Secretary of State shall automatically send an electronic notice to the county with the record that has the oldest date of registration.~~
- ~~(b) — Within five (5) business days of receipt of a notice of potential duplicate registration the elections official shall take all necessary steps to determine whether or not the registration record~~



is a duplicate of an existing newer registration, and if a duplicate registration is confirmed, shall cancel the older duplicate registration and submit a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.

**20108.65. Verification of Driver's License Numbers, State Identification Numbers, and Social Security Numbers Listed on Affidavits of Registration**

(a) — For the purposes of complying with the voter registration requirements of HAVA, a state identification number issued by the California Department of Motor Vehicles shall satisfy the same requirements as a driver's license number issued by the California Department of Motor Vehicles.

(b) — If a new affidavit for voter registration contains both a California driver's license or state identification number and the last four digits of a social security number, the elections official shall verify the California driver's license or state identification number and disregard the social security number.

(c) — Prior to submitting a new voter registration record in a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40, the elections official shall verify that the California driver's license or state identification number or social security number provided by a registrant in an affidavit of registration was issued to the individual named therein by verifying the number through Calvalidator.

(d) — If a California driver's license or state identification number or social security number has been previously verified through Calvalidator and the elections management system maintains the verification information, then the elections official is not required to verify the number again through Calvalidator.

(e) — If an elections official is unable to verify a California driver's license or state identification number or social security number provided by a registrant on a new affidavit of registration, the elections official shall make reasonable attempts to contact the registrant and obtain a valid identification number. If the elections official is unable to verify a California driver's license or state identification number or social security number and the registrant is otherwise eligible to vote, the elections official shall generate a unique identification number for the registrant in accordance with the Calvoter and Calvalidator Data Standards (05/2007).

(f) — If an elections official is unable to obtain a valid number after making reasonable attempts to contact the registrant and obtain such number, and if it is determined that the registrant has not been issued a California driver's license or state identification number or social security number, and the registrant is not otherwise eligible to vote, the elections official shall not generate a unique identification number for the registrant and shall not register the registrant to vote. If the elections official is unable to process the registration pursuant to this subsection, the elections official shall inform the affiant of the reason for the rejection in accordance with California Elections Code section 2153.

**20108.70. No Driver's License Number, State Identification Number, or Social Security Number Listed on Affidavit of Registration**

(a) — If a registration record does not include a driver's license or state identification number issued by the California Department of Motor Vehicles or the last four digits of the social

security number, the elections official shall determine whether a driver's license or state identification number is available through Calvalidator.

- (b) — (1) If a driver's license or state identification number has been issued and is available through Calvalidator, and Calvalidator identifies only one individual who possesses the last name, first name, and date of birth of the registrant, the elections official may enter that driver's license or state identification number in the registration record and update Calvoter in accordance with Section 20108.15 and Section 20108.40.
- (2) If a driver's license or state identification number has been issued and is available through Calvalidator, and Calvalidator identifies more than one individual who possesses the last name, first name, and date of birth of the registrant, the elections official shall issue a unique identification number in accordance with the Calvoter and Calvalidator Data Standards (05/2007). The elections official shall enter the unique identification number into the elections management system and submit the registration record as a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40. In addition, the elections official shall contact the voter to confirm whether one of the driver's license or state identification numbers identified by Calvalidator is correct. If the elections official is able to confirm a number, he or she shall replace the unique identification number issued pursuant to this paragraph with that driver's license or state identification number in the registration record and update Calvoter in accordance with Section 20108.15 and Section 20108.40.
- (c) — If a driver's license or state identification number cannot be identified or verified through Calvalidator and the registrant is otherwise eligible to vote, then a unique identification number shall be issued in accordance with the Calvoter and Calvalidator Data Standards (05/2007). The elections official shall enter the unique identification number into the elections management system and submit the registration record as a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.

#### **20108.71. Replacement of Unique Identification Numbers**

If at any time the elections official is able to obtain the California driver's license or state identification number or social security number for a voter whose registration record contains only a unique identification number, the elections official shall verify that number in accordance with Section 20108.65, and if the elections official is able to validate that number, he or she shall replace the unique identification number in the registration record with the California driver's license or state identification number or social security number and update Calvoter in accordance with Section 20108.15 and Section 20108.40.

#### **20108.75. Voting History**

Elections officials shall submit to the Secretary of State the voting history of all voters who cast a ballot in each statewide and Federal election by the 60th day after each election in accordance with the format and transmission requirements of Section 20108.15(b).

#### **20108.80. Certification of Elections Official**

Each elections official shall certify that the county in which the elections official has jurisdiction over the elections is in compliance with all provisions of this chapter for each Federal election. Elections officials shall do so by signing the certification form entitled Certification of Elections Official (01/2007), which is hereby incorporated by reference, and submit it to the Secretary of State with the statement of vote required pursuant to *California Elections Code section 15375*. The certification form entitled Certification of Elections Official (01/2007) shall be provided by the Secretary of State by electronic or regular mail or facsimile transmission to each elections official along with the statement of vote reporting instructions on or before the third day following a Federal election. Each elections official shall submit to the Secretary of State an original, fully executed Certification of Elections Official (01/2007) with the copy of the certified statement of results required by *California Elections Code section 15375*.